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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- against -

00-CR-237 (VM)

SUMMARY ORDER

JOSE ENRIQUE SANTIAGO,

Defendant.

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VICTOR MARRERO, U.S.D.J.:

Jose Enrique Santiago ("Santiago") moves for a sentence reduction pursuant to Section 404 of the First Step Act of 2018, Pub. L. No. 115-391, 132 Stat. 5194, 5222 (the "First Step Act"). (See "Motion," Dkt. No. 638.) The Government opposes Santiago's Motion. (See "Opposition," Dkt. No. 650.) Santiago requested an extension of time to reply to the Government's Opposition, (see Dkt. No. 671), and the Court directed Santiago to reply by January 4, 2021. (See Dkt. No. 672.) To this date, the Court has not received a reply from Santiago.

On November 26, 2002, the Court sentenced Santiago to a total term of 70 years' imprisonment. (See Dkt. No. 379.) Pursuant to the Second Circuit's jurisprudence articulated in United States v. Blount, 291 F.3d 201 (2002), the Court sentenced Santiago under Title 21 of the United States Code,

Section 841(b)(1)(C). (See "Sentencing Tr.," Dkt. No. 388 at 33:4-11.)


The Supreme Court recently concluded in Terry v. United States that individuals sentenced pursuant to the provisions of Section 841(b)(1)(C) are not eligible for relief under the First Step Act because this Section does not constitute a "covered offense." 141 S. Ct. 1858, 1863 (2021). Accordingly, Terry requires the Court to conclude that Santiago, who was sentenced pursuant to Section 841(b)(1)(C), is not eligible for a sentence reduction under the First Step Act.

For the reasons discussed above, it is hereby

ORDERED that the motion of defendant Jose Enrique Santiago for a sentence reduction under Section 404 of the First Step Act (Dkt. No. 638) is **DENIED**.

SO ORDERED.

Dated: New York, New York
17 February 2022



Victor Marrero
U.S.D.J.